

ENTERED  
12/16/2010

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION**

IN RE:

LACK'S STORES, INCORPORATED, *ET*  
*AL.*,<sup>1</sup>

DEBTORS.

§

§

CASE NO. 10-60149

§

§

(Chapter 11)

§

(Jointly Administered)

§

**THIRD INTERIM ORDER GRANTING DEBTORS' EMERGENCY MOTION FOR  
INTERIM AND FINAL ORDERS APPROVING (I) MAINTENANCE OF CERTAIN  
PREPETITION BANK ACCOUNTS AND CASH MANAGEMENT SYSTEM AND (II)  
CONTINUED USE OF EXISTING CHECKS AND BUSINESS FORMS**

[Related to Dkt. Nos. 8, 26, and 36]

The Court has considered the *Emergency Motion for Interim and Final Orders Approving (I) Maintenance of Certain Prepetition Bank Accounts and Cash Management System and (II) Continued Use of Existing Checks and Business Forms* (the "Motion")<sup>2</sup> filed by the above-referenced debtors (the "Debtors"). The Court finds that (a) it has jurisdiction over the matters raised in the Motion pursuant to 28 U.S.C. § 1334(b), (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), (c) the relief requested in the Motion is in the best interests of the Debtors' estates, creditors, and equity security holders, (d) proper and adequate notice of the Motion and hearing thereon has been given and that no other or further notice is necessary, and (e) good and sufficient cause exists for granting the relief requested in the Motion after due deliberation upon the Motion and all proceedings before the Court in connection with the Motion. Therefore, it is

<sup>1</sup> The Debtors and the last four digits of their tax identification numbers are Lack's Stores, Incorporated (6528), Merchandise Acceptance Corporation (0972), Lack's Furniture Centers, Inc. (9468), and Lack Properties, Inc. (8961).

<sup>2</sup> Capitalized terms not defined herein shall have the meaning given to them in the Motion.

**ORDERED** that the Motion is **GRANTED** on an interim basis to the extent set forth herein. It is further

**ORDERED** that the Debtors are authorized to: (a) maintain and continue to use any or all of their existing bank accounts identified in Exhibit "A" attached hereto (the "Bank Accounts") in the names and with the account numbers existing immediately prior to the commencement of these Cases; provided, however, that the Debtors are authorized, but not directed, to close any or all of their prepetition bank accounts and open new debtor-in-possession accounts; (b) deposit funds in and withdraw funds from any such accounts by all usual means, including, but not limited to, checks, wire transfers, automated clearinghouse transfers, electronic funds transfers, and other debits; and (c) treat the Bank Accounts (and any account opened postpetition) for all purposes as debtor-in-possession accounts. It is further

**ORDERED** that the Debtors are authorized to use their existing check stock and business forms. It is further

**ORDERED** that, except as otherwise required by any applicable cash collateral orders, the Debtors are authorized to continue to utilize the Cash Management System as described in the Motion. Accordingly, the Debtors are not required to establish separate accounts for cash collateral and/or tax payments. Further, notwithstanding anything to the contrary herein, the Debtors are authorized to pay any ordinary course costs or expenses associated with the maintenance of their existing Cash Management System. It is further

**ORDERED** that all of the banks at which the Bank Accounts are maintained, including, but not limited to, Wells Fargo Bank (the "Cash Management Banks"), are authorized and directed to continue to maintain, service, and administer such accounts, except that the Cash

Management Banks shall not be authorized to honor any check from a disbursement account issued or dated prior to the Petition Date, absent an order of this Court. It is further

**ORDERED** that any Cash Management Bank may rely on the representations of the Debtors with respect to whether any check, draft, wire, or other transfer drawn or issued by the Debtors, whether prior to or after the Petition Date, should be honored and such Cash Management Bank shall not have any liability to any party for relying on such representations by the Debtors. It is further

**ORDERED** that, as long as funds on deposit in these Bank Accounts are fully insured by the FDIC, then the United States Trustee will not require a bank to post a bond or pledge securities in accordance with the approved depository agreement between the United States Trustee and the bank. It is further

**ORDERED** that the signature cards for each Bank Account shall be modified to reflect that such account is a debtor-in-possession account and listing the lead case number. It is further

**ORDERED** that a final hearing on the Motion shall be held on Jan 5, 2011 at 2:30 p.m., before the Honorable Jeff Bohm, United States Bankruptcy Judge, at the United States Bankruptcy Court, 515 Rusk Avenue, Houston, TX 77002. It is further

**ORDERED** that objections, if any, to entry of a final order granting the Motion must be filed on or before December 27, 2010 at 5:00 p.m. CST.

**ORDERED** that this Court shall retain jurisdiction to hear and consider all disputes arising from the interpretation or implementation of this Order.

SIGNED THIS 15<sup>th</sup> day of December, 2010.

A handwritten signature in black ink, appearing to read 'Jeff Bohm', written over a horizontal line.

**Jeff Bohm**  
**United States Bankruptcy Judge**

**Exhibit "A"**

<b>Account Holder</b>	<b>Bank Name</b>	<b>Account Name / Description</b>	<b>Redacted Account Number</b>
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Lack's Stores Main Operating Account	xxxxxx0107
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Lack's Stores Main Depository Account	xxxxxx4492
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Lack's/Reliance Trust Transfer Account	xxxxxx8917
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Lack's Stores Payroll Account	xxxxxx0336
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Lack's/Maytag Transfer Account	xxxxxx5131
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Lack's Credit Card Account -- Visa/Mastercard	xxxxxx3443
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Lack's Credit Card Account -- American Express	xxxxxx2257
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Lack's Credit Card Account -- Discover Card	xxxxxx0301
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Lack's Direct Payment Account	xxxxxx8862
Lack Properties, Inc.	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Lack Properties Operating Account	xxxxxx0255
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx0608

Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx0446
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx1715
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx0454
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx0462
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx0470
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx1692
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx4501
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx1765
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx0488
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx0496
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx1668
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx1749
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx0501

Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx1838
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx4519
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx0519
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx0527
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx1684
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx0535
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx0543
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx0569
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx0577
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx0593
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx4527
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx2097
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx5637

Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx1707
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx1812
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx9055
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx1723
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx1731 (inactive)
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx1781
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx8096
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx1799
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx1284
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx1862
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx1757
Lack's Stores, Incorporated	Wells Fargo Bank P.O. Box 2088 Victoria, TX 77902	Store Depository Account	xxxxxx1846 (inactive)
Lack's Stores, Incorporated	First National Bank P.O. Drawer 7 Port Lavaca, TX 77979 (361) 552-6726	Store Depository Account	xxx038



Lack's Stores, Incorporated	Extraco Banks, N.A. 18 South Main Temple, TX 76501 (800) 825-2115	Store Depository Account	xxxxx217
Lack's Stores, Incorporated	Del Rio Bank & Trust 1200 Veterans Blvd. Del Rio, TX 78840 (800) 833-5746	Store Depository Account	xxxx805
Lack's Stores, Incorporated	First National Bank P.O. Box 937 Killeen, TX 76540 (254) 634-2161	Store Depository Account	xxxx214
Lack's Stores, Incorporated	First State Bank of Uvalde P.O. Box 1908 Uvalde, TX 78802 (830) 278-6231	Store Depository Account	xxxx304
Lack's Stores, Incorporated	State National Bank P.O. Box 5240 Lubbock, TX 79408 (888) 663-2902	Store Depository Account	xxxxxx652
Lack's Stores, Incorporated	Texas Bank & Trust Co. P.O. Box 3188 Longview, TX 75606 (903) 237-5500	Store Depository Account	xxxx099
Lack's Stores, Incorporated	Southside Bank P.O. Box 1079 Tyler, TX 75710-1079 (903) 531-7111	Store Depository Account	xxxx029
Lack's Stores, Incorporated	Texas State Bank P.O. Box 152638 Lufkin, TX 75915 (936) 639-6470	Store Depository Account	xxxx702
Lack's Stores, Incorporated	First National Bank P.O. Drawer 7 Port Lavaca, TX 77979 (361)552-6726	Service Contract Reserve as required by Texas Department of Licensing and Regulation	xxx471
Lack's Stores, Incorporated	First National Bank P.O. Drawer 7 Port Lavaca, TX 77979 (361)552-6726	Service Contract Reserve as required by Texas Department of Licensing and Regulation	xxx861

Lack's Stores, Incorporated	Bancfirst P.O. Box 26788 Oklahoma City, OK 73126	Service Contract Reserve as required by Oklahoma [entity]	xxxxxx3084
Lack's Stores, Incorporated	1st Victoria National Bank 101 S. Main Victoria, TX 77901 (361) 372-6500	Inactive account	xxxxx3194
Lack Properties, Inc.	City Bank P.O. Box 5060 Lubbock, TX 79408 (806) 792-7101	inactive account	xxxx461